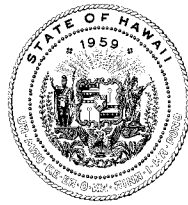
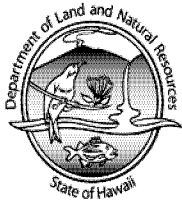


LINDA LINGLE  
GOVERNOR OF HAWAII



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STATE PARKS

**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**

STATE HISTORIC PRESERVATION DIVISION

**MINUTES OF THE OAHU ISLAND BURIALS COUNCIL**

**DATE: Wednesday, MAY 12, 2010**

**TIME: 10:00 A.M. to 2:00 P.M.**

**PLACE: DEPARTMENT OF LAND AND NATURAL RESOURCES**

**DLNR Board Room, 1151 PUNCHBOWL STREET, ROOM 132, HONOLULU, HAWAII 96813**

- I. CALL TO ORDER.** Chairman McKeague called the meeting to order at 10:20 a.m.
- II. ROLL CALL.** Quorum established with six members -- McKeague, Greenwood, Hoag, Kruse, Abad, Kane. Council member Falemei arrived at 10:25 a.m. Council member Kehaulani Kruse offered an Oli.
- III. INTRODUCTION OF COUNCIL MEMBERS & STAFF**
- |                        |                             |                        |                   |
|------------------------|-----------------------------|------------------------|-------------------|
| <b>OIBC Attendees:</b> | <b>Kawika McKeague</b>      | <b>Alice Greenwood</b> | <b>Shad Kane</b>  |
|                        | <b>Kehaulani Kruse</b>      | <b>Kehau Abad</b>      | <b>Steve Hoag</b> |
|                        | <b>Hinamoanalei Falemei</b> |                        |                   |
- OIBC Excused:** **Cy Bridges** **Aaron Mahi** **Leimaile Quiteves** **Andy Keliikoa**
- SHPD Staff:** **Nancy McMahon, Deputy SHPD/State Archaeologist**  
**Phyllis Coochie Cayan, History & Culture Branch Chief**
- Deputy AG:** **Linda Chow**
- GUESTS:**
- |                        |                       |                         |
|------------------------|-----------------------|-------------------------|
| <b>Amelia Gora</b>     | <b>Matt McDermott</b> | <b>Michael Yamasaki</b> |
| <b>Marvin Char</b>     | <b>Jack Kronen</b>    | <b>David Shidler</b>    |
| <b>Kaleo Patterson</b> | <b>Faith Miyamoto</b> | <b>Gary Omori</b>       |
| <b>Manuel Kuloloio</b> | <b>Jean Rasor</b>     | <b>Thomas Shirai</b>    |

**IV. OPENING REMARKS.** Chairman McKeague briefed the public on the purpose of the meeting to gather information on the agenda items that will help in decision making and limit of four minutes per speaker testifying.

**V. APPROVAL OF MEETING MINUTES**

1. OIBC Minutes of February 10, 2010 (deferred from April 2010 meeting) had the following corrections:

- Change last name of council member from “Falefine” to “Falemei” throughout the document.

Motion by Kehau Abad, seconded by Shad Kane to approve the February 10, 2010 minutes as corrected.

Vote was unanimous. No nays. No kanalua.

The motion to approve the February 10, 2010 minutes as corrected passed by unanimous vote.

2. OIBC Minutes of April 14, 2010 were not available for review and are being processed.

**VI. CURRENT BUSINESS**

**A.** Burial Treatment Plan, Pupukea Road Rockfall Mitigation Project, Phase I (Site 50-80-01-7038A) Pupukea, Pupukea Ahupua’a, Ko’olaupua District, Island of O’ahu.

TMK: (1) 5-9 plats 005& 011.

Informational update by David Shidler of Cultural Surveys Hawaii (CSH) and geologist Dr. Kronen. The first information presentation was done in June 2009 and Appendix E reflects the OIBC minutes of June 9, 2009 in the Burial Treatment Plan for this project. CSH will return in June 2010 for a decision by the OIBC to approve the BTP as being submitted for the one specific burial site that is in a small burial cave at the foot of this hillside. There are no recognized claimants for this project after a notice was published last year. The question is how to treat the burial cave with the burial within – to seal the cave or to leave it as is. This project is only to fix the road steepness for safety of the residents that use this steep curved road daily.

Discussion included the following points:

- Greenwood shared that some of the Mahu family of Waimea helped with the 2009 concerns along with other cultural descendants including Kealoha Kuhia was named.
- Kane asked who will have oversight that the BTP is being carried out. Staff noted that SHPD will regulate that the BTP is being implemented and complied by the county of Honolulu. McMahon noted that a letter is usually sent when the project is completed and there may be a site visit to see that the project complies with the BTP and other conditions.
- Abad said some of the cultural descendants may not be aware of this project and the BTP should be amended to state “...so any cultural descendant to associated with an ahupua’a may have access.” Abad questions whether the cultural descendants make the recommendation to seal or not to seal the burial cave.
- Shidler noted that the CSH did publish a notice last year, has made efforts at community

outreach (i.e., Nihipali ‘ohana) in that ahupua’a. SHPD will check its list if there are other ahupua’a claimants recognized for that area.

Public and further OIBC comments included the following:

- Amelia Gora claimed her tutus owned some lands there and her family is affiliated there.
- Jean Rasor agreed with Gora that to find the ‘ohana one must look at the LCA or Royal Patents. Rasor said with a new project that folks have to show their paper and file with both county and state to make it easier to identify claimants.
- CSH noted that there are no LCA or Royal Patents or kuleana awards for this specific burial on the hillside. Mike Yamasaki of City & County added that this project is to stop the rock fall with the mesh fence – the road will not change, there is no cutting of the mountain sides and the slope is the project area being worked on below the road (where the burial cave is located).
- Kruse said just seal the cave. Abad and Falemei discussed in Hawaiian how to keep the cave from disturbance that the families should kokua with this BTP and be consulted to malama na iwi.
- McKeague recapped that in the absence of any applicants for descendancy to this burial there should be names of others affiliated as well as others who came to the OIBC previously. McKeague noted that the 45 day clock starts with this draft BTP and with no recognized claimants the OIBC has kuleana to make recommendations for the burial cave and burial within.
- Falemei asked that CSH make one more effort to contact folks regarding this burial cave and acknowledged there was an effort through the notice last year. The OIBC will have strived to seek any cultural descendants by the next meeting. Abad agreed that the OIBC will act on the best interest if there is no ‘ohana and move forward. Greenwood added there were at least twelve ‘ohana who worked on the Waimea rock fall project. .
- Shidler noted in the BTP there are recommendations to improve the wall with dry stack or to seal it more permanently with cement and mortar. McKeague asked the OIBC to be mindful there is no rush today to take action until the next meeting and to see if there is new information on any cultural descendants who may come forward.

**B. Honolulu Rail Transit Project for the areas of Honouliuli, Ho’ae’ae, Waikele, Waipi’o, Waiawa, Manana, Waimano, Waiiau, Waimalu, Kalauao, ‘Aiea, Halawa, Moanalua, Kahauiki, Kapalama, Nu’uanu, Pauoa, Makiki, Manoa and Waikiki Ahupua’a, ‘Ewa and Kona Districts.**  
**TMK: Various.**

**The city’s transit team of Faith Miyamoto, Kaleo Patterson and Matt McDermott (CSH) updated the OIBC on the following items for the transit project:**

- **The realignment for the area by the airport called the Runway Protection Zone (see handout).**

- This will be in the final Environmental Impact Study (EIS). The dotted area on the handout has been coordinated with the FAA and the HDOT with conditional approval.
- The Programmatic Agreement still has not been executed. Miyamoto will check with the Federal Transportation Authority (FTA) if it is available for review.
- SHPD is reviewing for any historic resources in the Ualena Street area.
- McDermott distributed a handout for Phase I showing an aerial from Kapolei to Pearl City and part of Phase II is on the map too. The west part is mostly agricultural and the east is suburbs. There is 156 acres in Phase I for facilities, stations, etc. About 75% of the work will be utility relocation with ground disturbances. The Archaeological Inventory Survey (AIS) was written in 2009, approved by SHPD and testing was done for cultural resources based on maps of LCA etc. Overall there is nothing the agricultural lands and expect some finds in the eastern or more urban area. There is no na iwi found here. There is one LCA in Waipahu with cultural resources of previous agricultural use (a lo'i) found in layers. The mitigation there will be a data recovery plan and report. This area is low to moderate probability in the Farrington Highway area.
- Kaleo Patterson reminded everyone of the May 13, 2010 station workshops held at 6:30 p.m. at Highlands Intermediate School for the transit rail project. Folks may call them for more info.

Public comment included the following:

- Amelia Gora said that the transit is cutting through places that the families do not want it and that there are two parcels that belong to her family. McKeague asked Gora to direct her questions to the OIBC and not the city team. Miyamoto said to the OIBC that generally the right of way acquisition comes after talking with the many owners along the way of the project and it is hoped there is agreement or the city can acquire under "eminent domain."
- Manny Kuloloio asked if CSH has done the community outreach. Kuloloio said to add their family to the list for the project area of Aloha Tower and asked the project team to be mindful of lessons learned from other projects in the Honolulu area.

C. DRAFT Archaeological Inventory Survey Plan for Construction Phase II of the Honolulu High-Capacity Transit Corridor Project, Waiawa, Manana, Waimano, Waiau, Waimalu, Kalauao, 'Aiea, and Halawa Ahupua'a, 'Ewa District, Island of O'ahu.. TMK: [1] 9-7, 9-8, and 9-9 (Various Plats and Parcels).

McDermott of CSH distributed copies of this Draft AIS and noted that the project is moving towards the east. SHPD is currently reviewing the Draft AIS and folks can give input to SHPD. This phase is fully developed with a utility corridor (see page 76 all utilities are illustrated) and will have column testing done. There is a focus on the footprint for the test areas and noted that at some point these were agricultural lands. There will be 24 columns testing done. A summary on pages 88-89 with information, on page 90 documents the historic cemetery on Kamehameha Highway and testing in the area may possibly proceed this summer.

GPR was done on all Phase I and Phase II test areas although the readings are not as good due to the chemicals used on agricultural lands (i.e. clay does not have good results) and therefore has some limitations on GPR versus what is visible. Page 95 shows some testing are two units in kuleana areas. There will be a backhoe for the column testing, measuring 2 x 2 square of excavation and a little longer for the station footprint with less than 1 per cent constraints.

McMahon said she would put the OIBC comments if any, in her review letter.

Council member Abad asked for a contingency of any unit with cultural activity be expanded in the process. McDermott agreed but said expanding the testing would depend what the find is and the constraints thereof. Abad said to be mindful that this area has more people with no fills --- mauka there are no caves, then where are the burials --- possibly in the habitation area where people lived. McDermott noted there is no prediction for small family areas that may have burials. Abad said in the absence of sand areas or caves look to habitation areas. McKeague added also looking for more information in the chants of the area. McDermott stated that much of this area is not old and is fully developed. Falemei added that the mo'opuna of Sarah Nakoa home was located at the electric company's plant site.

NOTE: There was no public testimony on this item.

NOTE: The OIBC took a break at noon. Council member Greenwood departed at 12:00 p.m.  
The OIBC reconvened the meeting at 12:10 p.m.

#### **D. Kawaiaha'o Church Multi-purpose Building Renovation Project, Honolulu Ahupua'a, Kona District, Island of O'ahu. TMK: (1) 2-1-032:017.**

There were no updates on this agenda item per Crystal Rose, attorney for Kawaiaha'o Church.

Chairman McKeague stated he will write a second letter to the attorney general since the OIBC's first letter dated August 2009. Deputy AG Ishikawa said he would see where that letter's response is at. McKeague said he did call and emailed and received no response from the AG's office to the first letter. SHPD will remind Deputy AG Linda Chow for a response to that first letter.

Discussion by the OIBC on the second letter to the attorney general due to no response since the first letter sent in August 2009:

- McKeague noted that the OIBC has been patient with the AG office in particular that they have no presence here at the OIBC meetings, there has been no response to the first letter that lists five points. Deputy AG Chow responded she will come back with an answer as there other lawsuits pending in the department.
- McKeague stated that regarding the legal advice from the AG's that the OIBC can take or not in developing a strategy to work with the church for resolution on a iwi issue.

- Falemei commented that putting the bureaucracy aside the cultural concern it is inappropriate to say malama these burials and not those burials especially it is the kuleana of the church – their kuleana not the OIBC (it would be mahaoi of the council). It may be different if the church comes to see us and discuss. The problem is that the OIBC is part of the government infrastructure and we need to speak up culturally pono as it remains a frustrating issue.
- Abad said the OIBC seeks potential involvement there as some ‘ohana members feel they are not being heard or addressed by the church which if the church did include all members there would be no role for the OIBC. The OIBC role is the vehicle for those ‘ohana not being heard.
- Falemei agreed that the OIBC listen and advocate for those unheard voices and put the kuleana back on the church. Falemei said it looks like one native group against another native group.

Public testimony and OIBC comments included the following:

- Amelia Gora stated her documents from the Territory of Hawaii that everything at the church should comply with their laws and that the OIBC as a facilitator is being used by the government. Gora said make things pono and it is good to talk it all out as Kawaiaha’o fails to recognize all lands belong to the people who built it.
- McKeague noted that those unheard voices have a place in the process and the OIBC will help where it can as an on-going mechanism for voices to be heard here.
- Falemei noted that over the months the OIBC has been the scapegoat which is not what it is. We are sympathetic to the church however it is not the OIBC’s cultural kuleana from the beginning to take the fire.
- Manny Kuloloio appreciated the discussion of the issues. Kuloloio asked his mana’o be redacted from the record.
- Crystal Rose, attorney for Kawaiaha’o Church said it breaks her heart to see Native Hawaiian versus Native Hawaiians go into the western court system and would like to help figure out a better way for our people. Rose said the church is being sued by two individuals right now although the church is open to discussion rather than litigation. Rose emphasized that the church has done extensive community outreach for all the ‘ohana plots through meetings, notices and the church membership.

NOTE: Council member Abad departed from the meeting at 12:40 p.m.

NOTE: At this time the OIBC lost quorum with only five members. The meeting ended at 12:40 p.m. with no quorum. There was no further discussion on the rest of the agenda items below.

E. Island Burials Councils Collective Agreement for Advocacy and Development of Guidelines and Best Management Practices.

- No discussion due to no quorum and meeting ended.

**F. Draft Federal Department of Interior “Draft Native Hawaiian NAGPRA Protocol.”**

- No discussion due to no quorum and meeting ended.

**VII. COMMITTEE REPORTS. \*\*\*No discussion due to no quorum and meeting ended.**

- A. OIBC Legislative Committee.
- B. Kaena Point Advisory Council.
- C. Section 106/NAGPRA Correspondence.
- D. OIBC Task Force on Environmental Reviews.

**VIII. NO INADVERTENT REPORTS FOR MONTH OF APRIL, 2010.**

**IX. ANNOUNCEMENTS. \*\*\*No discussion due to no quorum and meeting ended.**

**X. ADJOURNMENT. \*\*\* Meeting ended at 12:40 p.m. due to no quorum. #**